Insurance (Marine)—Non-Disclosure by Insurer of Material Facts.—Thames & Mersey M. I. Co. *v.* Gunford (1911), A. C. 529. This was an action on a policy of marine insurance, the defence being that the policy was null and void owing to the non-disclosure by the insured of material facts: (1) that the master of the ship had not been at sea for twenty-two years, and that the last ship he had been master of had been lost and his certificate had been suspended, and (2) the existence of "honour policies" in favor of the managing owner for disbursements made on account of the ship. The Court of Sessions, Scotland, had held that the non-disclosure of these matters did not avoid the policy. The House of Lords (Lord Loreburn, L. C., and Lords Macnaghten, Alverstone, Shaw, and Robson) agreed with the Court of Sessions (Lord Shaw, dubitante), that there was no duty on the part of the owners to inform the insurers as to the past history of the master, and that the omission to disclose the facts of his previous career did not constitute the non-disclosure of a material circumstance; but they held that the non-disclosure of the existence of the "honour policies" which were effected on the basis that no further proof of loss should be required than the policy, and which constituted them in fact gaming or wagering policies, was a material fact, the non-disclosure of which avoided the policies, and the action therefore failed.—Canada Law Journal (English Case).

Nuisance—Highway—Defective Railing—Nuisance Caused by Trespasser—Absence of Knowledge of Nuisance by Owner of Premises—Duty of Owner.—Barker *v.* Herbert (1911), 2 K. B. 633. This was an action brought to recover damages for an injury sustained by the plaintiff owing to a nuisance on the defendant's premises, in the following circumstances. The defendant was the owner of premises fronting on a public street, and in front of the house was an area protected by a railing, which had been rendered defective owing to boys playing football in the street. The plaintiff, a child, had passed through the opening made in the railing, and was clambering along inside the railing and while so doing fell into the area and was injured. The jury found that the gap in the fence constituted a nuisance, but that the defendant did not know of it, and that such a time had not elapsed since the rail had been removed, that he would have known of it if he had used reasonable care. On these findings the Court of Appeal (Williams, Moulton, and Farwell, L. JJ.) held that the plaintiff was not liable, the nuisance having been created by trespassers. The court was also of the opinion that the plaintiff's injuries were not due to the nuisance, as he had not fallen through the gap, but had gone safely through the gap in order to clamber along the inside of the railing.—Canada Law Journal (English Case).

A Very Complicated Cause.—Involving intricate questions of the